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10 Attorneys for Plaintiff

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

13 George Martinez,

14 Plaintiff,

15 v.

16 Superstition Fire & Medical District;  
17 Superstition Fire & Medical District Board;  
18 Kathleen Chamberlain; Jeff Cross; Todd  
House; Jason Moeller; and Shawn Kurian, in  
their official capacities;

19 Defendants.

No.

**COMPLAINT**

20 Plaintiff George Martinez (“Plaintiff”), for his cause of action against Defendants,  
21 alleges:

**GENERAL ALLEGATIONS**

**(Parties and Jurisdiction)**

22 1. Plaintiff is a resident of Pinal County, Arizona and was a resident of Pinal County  
23 during all relevant times.

24 2. Defendant Superstition Fire & Medical District (“Defendant District”) is a fire  
25 district as set forth in *A.R.S. §§ 48-802, et. seq.* at all times material herein. Defendant District  
26 is an employer within the meaning of *42 U.S.C. § 1211(5)*.  
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1 performance evaluations.

2 11. Plaintiff was diagnosed with bipolar disorder, post-traumatic stress disorder and  
3 anxiety in early 2018. Initially, Plaintiff informally discussed his treatment and condition  
4 with Defendant District's then interim Fire Chief, Mark Farber, and then, in approximately  
5 May 2018, formally informed Chief Farber and Assistant Fire Chief, Rick Ochs, of his  
6 disability. He also requested as a temporary reasonable accommodation more frequent  
7 feedback on his performance and conduct. Chief Farber also spoke directly with Plaintiff's  
8 medical provider about these accommodations.

9 12. Almost immediately upon returning from his FMLA leave, Plaintiff experienced  
10 harassment and different treatment in the terms and conditions of his employment, including  
11 assignments, opportunities, investigations, discipline, and ultimately termination.

12 13. For example, Plaintiff was suspended, placed on probation, and provided a "last  
13 chance agreement" on approximately May 17, 2018 relating to items that were either false,  
14 mischaracterized or not fully investigated. Moreover, other employees who engaged in  
15 similar alleged conduct were not disciplined.

16 14. Nonetheless, Plaintiff continued to perform his job to the best of his ability and  
17 tried to ignore the ongoing harassment and discrimination. In fact, during the one-year  
18 probation, he was not notified of any other performance problems and received a positive  
19 performance evaluation in approximately October 2019 several months after the probation  
20 ended.

21 15. On approximately December 19, 2019, Plaintiff filed a "Hostile Work  
22 Environment/Harassment" complaint with his supervisor regarding his concerns about the  
23 ongoing hostile and discriminatory work environment, including the impact the conduct was  
24 having on his disability. Plaintiff then provided additional information to his supervisor on  
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1 approximately December 24, 2019. Plaintiff understands and therefore believes that  
2 Defendants never investigated his complaint. Regardless, the ongoing discrimination  
3 continued.

4 16. On approximately October 1, 2020, Defendants began an internal investigation  
5 into Plaintiff's alleged misconduct and subsequently terminated him on approximately  
6 November 2, 2020 based on false or mischaracterized allegations. Moreover, Defendants'  
7 decision to fire Plaintiff was significantly different than its treatment of similarly situated co-  
8 workers who either committed or were alleged to have committed similar acts.

9 17. On February 10, 2021, Plaintiff timely filed a charge of discrimination with the  
10 Arizona Attorney General's Office, Civil Rights Division, which was also deemed filed the  
11 Equal Employment Opportunity Commission (EEOC) at the same time. The EEOC issued  
12 its Notice of Right to Sue thereafter. (Exhibit 1).

13 18. In discharging Plaintiff, Defendants willfully, knowingly and intentionally  
14 discriminated against Plaintiff because of his disability and in retaliation for raising his good  
15 faith concerns that Defendants were violating State and Federal law and his opposition to the  
16 same. Defendants stated reasons for their actions were false and pretextual.

17 19. Plaintiff is damaged by the wrongful acts of Defendants and their agents herein  
18 alleged which damage includes, without limitation, the following:

- 19  
20 a. Lost salary and employment benefits due Plaintiff at the time of his discharge  
21 and since his discharge until he should obtain employment at a similar rate of  
22 compensation;  
23 b. Injury to Plaintiff's long-term employment, reputation and income potential  
24 flowing from the wrongful conduct by Defendants; and  
25 c. Injury from humiliation, trauma, extreme stress, depression and physical and  
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1 C. For punitive damages;

2 D. For Plaintiff's attorneys' fees and costs incurred in this matter pursuant to the  
3 ADA and any other applicable statute, rule or regulation;

4 E. For interest on each element of damage, cost or attorneys' fees at the highest  
5 legal rate from the date of such damage, cost or attorneys' fee was incurred until paid; and

6 F. For such other and further relief as the Court deems just and proper.

7 DATED this 10th day of June, 2022.

8 SHIELDS PETITTI, PLC  
9

10 By /s/ Michael J. Petitti, Jr. \_\_\_\_\_

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